

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MARCH 21, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: WVR-18085 – APPLICANT/OWNER: JOSE LOPEZ**

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**\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-18084) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Waiver to Title 18.12.160 to allow approximately 180 feet between street intersections where 220 feet is the minimum distance separation required adjacent to the southeast corner of Maverick Street and Jo Marcy Drive. This intersection is needed to provide the entrance to a four-lot single-family residential subdivision.

The applicant indicates that the proposed entrance from Maverick Street would be compatible with the rural area and the limited scope of this project. Staff is recommending approval.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
05/09/06	Staff received a Parcel Map (PMP-13512) for review for a four lot parcel map. This is an administrative review pending approval of this waiver of Title 18.12.160 and a Special Use Permit (SUP-18084) for private streets.
01/25/07	The Planning Commission held this application and a companion Special Use Permit (SUP-18084) in abeyance until the 02/8/07 PC.
02/08/07	The Planning Commission held this application and a companion Special Use Permit (SUP-18084) in abeyance until the 02/22/07 PC.
02/22/07	<p>The Planning Commission recommended approval (4-2/se,bg) of companion item SUP-18084 concurrently with this application.</p> <p>The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #17/rts).</p>
<b><i>Related Building Permits/Business Licenses</i></b>	
This is an undeveloped lot with no building permits or business licenses related to this project approved or under review.	
<b><i>Pre-Application Meeting</i></b>	
09/05/06	A pre-application was held and elements of this application were discussed. It was noted that the justification letter should include specifics about the intersection separation and that it should indicate whether the waiver is acceptable to Traffic Engineering and Fire Engineering. Submittal requirements were discussed.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	2.08

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Single-Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Single-Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Single-Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Single-Family Residential	Clark County (RNP)	Clark County

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	n/a
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>		X	n/a
<b>Trails</b>		X	n/a
<b>Rural Preservation Overlay District</b>	X		Y
<b>Development Impact Notification Assessment</b>		X	n/a
<b>Project of Regional Significance</b>		X	n/a

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.08, the following development standards apply:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000 SF	21,084 SF	Y
Min. Lot Width	100 Feet	141 Feet	Y
Min. Setbacks			
• Front	35 Feet *	>35 Feet	Y
• Side	10 Feet	>10 Feet	Y
• Corner	15 Feet	>15 Feet	Y
• Rear	35 Feet	>35 Feet	Y
Max. Building Height	2 Stories/35 Feet	2 Stories/35 Feet	Y

\* Lots which front onto a public street shall maintain a minimum front yard setback of fifty feet. The minimum front setback for an attached, open porte-cochere is thirty feet. Lots which front onto a private street or a private access easement shall maintain a minimum setback of thirty feet from the edge of the private street access easement; provided, however, where such lots are located on a cul-de-sac or a street knuckle, the minimum front yard setback shall be twenty feet from the edge of the private street or access easement.

<b>Existing Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R-E (Residence Estates)	2.0 Units Per Acre	4 Units
<b>Proposed Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R-E (Residence Estates)	2.0 Units Per Acre	4 Units
<b>General Plan</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
DR (Desert Rural Density Residential)	2.49 Units Per Acre	5 Units

*Pursuant to Title 19.10, the following parking standards apply:*

In addition to Table 22-22B, the following parking standards apply:

Parking Requirement							
Use	Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Single-Family Residential	4	2 Spaces/Dwelling Unit	8 Spaces	0 Spaces	8 Spaces	0 Spaces	Y
<b>TOTAL</b> (including handicap)	4	2 Spaces/Dwelling Unit	8 Spaces		8 Spaces		Y

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
Wavier of Title 18.12.160: To allow 180 feet btw intersections	220 feet btw intersections	PW Recommends – Approval

## ANALYSIS

This request is not a Zoning Code compliance issue but a request for a Waiver in Title 18.12.160 of the Subdivision Ordinance to allow approximately 180 feet between street intersections where 220 feet is the minimum distance separation.

Specifically, Title 18.12.160 states:

“Any intersection of any street that provides external access from a subdivision to any existing or planned street abutting the subdivision which has a right-of-way of sixty feet or more shall be offset from any other intersection by at least two hundred and twenty feet, measured from centerline to centerline. Intersections of streets providing service internally within a subdivision, where they do not intersect arterial or major streets, shall be offset a minimum of one hundred twenty five feet.”

Public Works has no objection to the request for a Waiver of Title 18.12.160 to allow 180 feet between street intersections where 220 feet is the minimum distance separation required for property located on the southeast corner of Maverick Street and Jo Marcy Drive.

Public Works notes that this site is the subject of a Special Use Permit (SUP-18084); all site-related conditions of approval are addressed with those actions. Staff is recommending approval as Public Works has no objection to this request.

## **FINDINGS**

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

The proposed design does not appear to present turn conflicts, nor is it expected to hinder area traffic flows. The hardship generating the request for the Waiver is real, given the shape and location of the parcel and scale of the project; therefore, approval of the Waiver is recommended.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

12

## **ASSEMBLY DISTRICT**

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## **SENATE DISTRICT**

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**NOTICES MAILED**                      92 by Planning Department

**APPROVALS**                                0

**PROTESTS**                                 0